

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

FEB 27 2008

William B. Guthrie
Clerk, U.S. District Court

By _____ Deputy Clerk

JOSHUA WHEAT, aka)
Joshua Wheat-Bey)
Plaintiff,)

v.)

JIM KEITH, ET AL.,)
Defendant(s).)

No. CIV 08-051-RAW


ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS

Plaintiff, a prisoner seeking to bring a civil action, has filed a motion for leave to proceed *in forma pauperis* and supporting affidavit in conformance with 28 U.S.C. § 1915 (a). Having reviewed the motion, the Court finds plaintiff has sufficient funds to prepay the filing fee of \$350.00 pursuant to Local Rule 5.1(E)(2). Plaintiff's motion therefore, is overruled, and plaintiff must prepay the filing fee for this action to proceed.

IT IS HEREBY ORDERED that plaintiff forward the \$350.00 filing fee to the Court Clerk within twenty (20) days of the entry of this order, or show cause by that date why he/she does not have the assets with which to pay the filing fee. The agency having custody of plaintiff is ordered to release funds from plaintiff's accounts, including plaintiff's trust account, for payment of the filing fee. Plaintiff is advised that unless by the date set forth above he has either (1) paid the full filing fee or (2) shown cause in writing for the failure to pay, this action will be subject to dismissal without prejudice to refile, and no fees or costs will be imposed or collected. Moreover, plaintiff may voluntarily dismiss this action in accordance with Fed. R. Civ. P. 41(a) on or before the date set forth above without incurring any fees or costs.

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order to petitioner's custodian and the trust fund officer at his institution.

IT IS SO ORDERED this 27th day of February 2008.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE